

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,
Plaintiff,
v.
RANULFO LOYOLA-CISNEROS,
Defendant.

Case No. [12-cr-00585-SI-1](#); 3:16-cr-03741-SI

**ORDER GRANTING GOVERNMENT'S
MOTION TO STAY**

Re: Dkt. No. 139

On November 21, 2014, this Court sentenced defendant to 60 months imprisonment based on his conviction for a violation of 21 U.S.C. § 846 (conspiring to distribute methamphetamine). Defendant was represented by the Federal Public Defender's Office ("FPD") during the criminal proceedings.

On July 1, 2016, defendant filed a *pro se* motion to correct his sentence under 28 U.S.C. § 2255. Defendant contends that he may be entitled to relief with regard to his sentence pursuant to a recent Supreme Court decision, *Johnson v. United States*, 135 S.Ct. 2251 (2015). The government has filed a motion to stay based upon the Supreme Court's grant of certiorari in *Beckles v. United States*, No. 15-8544.

In an order filed August 15, 2016, the Court *sua sponte* appointed counsel for defendant pursuant to 18 U.S.C. § 3006A(g), and directed the Clerk to send a copy of that order to the FPD in San Francisco. On August 22, 2016, the FPD filed a "Notice of Non-Intervention" stating that the office "has reviewed Defendant's motion and has nothing further to add to his requests. Consequently, we will not enter a Notice of Appearance in this matter and will not seek to intervene." Dkt. No. 142.

Under these circumstances, the Court does not find it appropriate to appoint CJA counsel.

1 The Court also concludes that it is in the interest of judicial efficiency to stay this matter until the
2 Supreme Court decides *Beckles*. *Beckles* will resolve the question of whether the holding of
3 *Johnson* applies to the residual clause of the career offender guideline, U.S.S.G. §4B1.2(a)(2), and
4 if so, whether *Johnson*'s invalidation of the residual clause of the career offender guideline applies
5 retroactively on collateral review. The Supreme Court is expected to decide *Beckles* by June
6 2017, if not before.

7 Accordingly, the Court GRANTS the government's motion to stay this action pending
8 further order from this Court.

9
10 **IT IS SO ORDERED.**

11
12 Dated: August 23, 2016

13 

14 SUSAN ILLSTON
15 United States District Judge
16
17
18
19
20
21
22
23
24
25
26
27
28